(42)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 54 of 2002

Petitioners	1.	Rohit Ram Sahu, S/o Aajuram Sahu, Aged about 31 years, R/o Bal samund, The. Bemetara, Distt. Durg, Chhattisgarh.
	2.	Deraha Ram Patle, S/O Budhuram Patle, Aged about 38 years, R/O Vill. Dokala, P.O. Mataka, The. Bemetara, Distt. Durg.
	Versus	
Respondents	1.	State of Chhattisgarh, Through Revenue Secretary, Govt. of C.G., Mantralaya Bhawan, Raipur (Chhattisgarh)
	2.	The Collector of District Durg, at Durg, C.G.

WRIT PETITION UNDER ARTICLE 226/ 227 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Mr. Justice **Satish K. Agnihotri**

Miss Sharmila Singhai, Advocate for the petitioners.
Shri Sumesh Bajaj, Govt. Advocate for the respondents.

ORDER

(Passed on this 25th day of June, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioners being Kotwars were in possession of the disputed land. Both the petitioners have made representations on 16.8.2001 (Annexure P/8) to the Secretary, Revenue Department, for granting Bhoomiswami rights, describing the particulars of the lands on which they were in possession.
2. Learned counsel appearing for the petitioner submits that having been in continuous possession of the lands in question for such a very long time, even on humanitarian consideration, the petitioners should be given Bhoomiswami rights. In support of her contention,

(165)

learned counsel for the petitioners placed reliance on a decision of this Court in W. P. No. 2632/2000 (Chhabil Das & others Vs. The State of M.P. & another), passed on 30.10.2001.

3. Learned counsel appearing for the petitioners also placed reliance on a decision of this Court in W. P. No. 251 of 2002 (Lakhan Das Kotwar Vs. The State of Chhattisgarh & another), passed on 3.5.2007 and submits that this petition be disposed of with the direction to the concerned authorities to consider and decide the representations of the petitioners, in accordance with law, within stipulated period, to which learned counsel appearing for the respondents has no objection.

4. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, this petition is disposed of with the direction that the competent authority shall consider and decide the representations of the petitioners, in accordance with law, after affording proper opportunity of hearing to the concerned parties, within a period of three months from the date of receipt of a copy of this order. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur